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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 March 1996, at 10.30 a.m.

Temporary Chairman: Mr. MUSA HITAM (Malaysia)

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 11.10 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fifty-second session of the Commission on Human Rights.

2. Having presided over the work of the Commission at its fifty-first session, he wished to thank its members, observers and representatives of non-governmental organizations (NGOs) for having given him their full cooperation, a cooperation that would, he hoped, likewise be extended to the new Chairman and Bureau of the Commission. His own overview of the results of the fifty-first session could be found in a press release available from the Permanent Mission of Malaysia.

STATEMENT BY THE SECRETARY-GENERAL

3. The SECRETARY-GENERAL expressed his pleasure at being present in Geneva for the opening of the session of the Commission on Human Rights. In the 50 years since its establishment, the Commission had occupied a central position in the field of protection of human rights. Since its inception, and thanks to its unceasing endeavours - often under the most difficult conditions - the Commission had been a veritable power-house of experiments and ideas. He had no hesitation, therefore, in saying that, without the Commission, the normative work of the United Nations would have been very different. That work was built on the Universal Declaration of Human Rights, the fiftieth anniversary of which was to be celebrated in 1998. Through that seminal text, the international community had solemnly declared its faith in basic human rights and the dignity and value of the human person.

4. Since the adoption of the Universal Declaration, the United Nations had continued to extend its action by establishing not only individual rights but also civil and political rights and economic, social and cultural rights. At the same time, it had consistently expanded the areas of its protection: the repression of genocide, the abolition of slavery, the fight against torture and the elimination of all forms of discrimination based on race or gender, religion or ideas. Similarly, the United Nations had extended its protection to new categories: refugees, stateless persons, women, children, the handicapped, the mentally ill, imprisoned persons, victims of enforced disappearance, migrant workers and their families and indigenous peoples.

5. In consequence, the General Assembly had advanced its codification of human rights by drawing up what he liked to term "solidarity rights": rights which presumed the interconnected action of all the social factors, at the internal and international levels. Thus, after the Charter of the United Nations, in its Article 1, had established the principle of the self-determination of peoples, the General Assembly had enunciated the rights to the environment, to peace and to food security, and above all, the cardinal idea of the right to development. That normative action currently represented the common good of mankind and was able to satisfy all States, all peoples and all cultures. The universality that it expressed was truly that of the whole international community.

6. The Commission had played its role perfectly during that long normative process, not only through its studies and projects, but also thanks to its remarkable research work. The human rights declared by the United Nations would be nothing unless they were protected and guaranteed. By deciding to devote itself, in the course of its fifty-second session, to the violation of human rights and fundamental freedoms wherever they took place in the world, the Commission had summed up with great accuracy its own demanding mission. Its agenda for the session clearly demonstrated what had always been the Commission's concern: the protection of human rights, against the background of international relations and the actual practice of States.

7. Some years previously, at the end of the cold war, whole peoples had become able to speak out in the name of freedom, democracy and human rights. The Commission had lived through that period with intensity and had kept pace with the fundamental changes occurring in the world. Today, however, new dangers had to be faced, particularly the new kinds of conflicts that were occurring no longer between States, but within those very States. Every day, the United Nations had to confront internal conflicts, civil wars, partitions, secessions, ethnic clashes and tribal wars. Those new conflicts were usually waged not by regular armies, but by groups which were more or less organized and more or less controlled. The anarchy extended to the conduct of operations. War was at once endemic and sectoral. Cease-fires were precarious. Truces were uncertain.

8. The new conflicts were also the most damaging to the rights of the human person, since it was often the populations themselves which were targeted, bombarded, tortured and subjected to violence. Civilians, women and children were massacred pitilessly. Floods of refugees were thrown into uncertain conditions and deprived of hope.

9. The Commission had, therefore, an enormous and urgent workload. Its agenda provided eloquent testimony to the importance it attached to such new situations and he thanked it for its activities and its fruitful collaboration with other organs of the United Nations dealing with human rights. He wished also to take the opportunity of describing the place within the general policy of the United Nations of the work undertaken by the Organization to protect human rights.

10. In defending human rights, violations must be denounced on a case-by-case basis wherever they occurred, but it was also necessary to create what might be called a true human rights diplomacy. Such diplomacy appeared clearly in the mandate entrusted in recent years to the peace-keeping forces. Most of the major peace-keeping operations, specifically those conducted in El Salvador, Mozambique or Cambodia, incorporated in the mission of the peace-keeping forces the protection of human rights and of the population. The link between peace and human rights was thus clearly established by the facts, for the rights of the human person would be guaranteed first and foremost by restoring peace.

11. The diplomacy he had mentioned was also evident in the international action of the United Nations in favour of development. He was aware of the position that the right to development occupied on the Commission's own agenda. And he was very mindful of the work the Commission had already done

in that area and would be doing at its current session. He himself had often stressed the essential link between the protection of human rights and the imperative of development.

12. Finally, he wished to recall how the forward-looking action of the United Nations in the economic and social field was fully centred on the rights of the human person. At Rio de Janeiro, it had been the human individual in his or her environment that had been discussed. At Vienna, it had been the human individual as owner of universal rights that had been considered. At Cairo, it had been the human individual in his or her collective dimension that had been the focus of the reflections on population. At Copenhagen, it had been the human individual in his or her social development that had been the subject of inquiry. At Beijing, it had been the human individual, in terms of the status of women, that had been the topic of concern. And at Istanbul, it was the human individual in the reality of his or her habitat that was to be addressed.

13. In other words, the rights of the human individual permeated all the activities of the United Nations and constituted both its fundamental basis and its ultimate goal.

14. But he wished to underscore the need to place that action at the service of human rights in a veritable political context. That context had a name: democracy. He was convinced that the process of democratization within States and within the international community was inseparable from the protection of human rights. It was in that spirit that the United Nations provided electoral assistance to States which requested it. By encouraging international action in favour of democracy, the United Nations was not urging States to engage in some sort of mimicry or to borrow political forms derived from elsewhere. Quite the contrary: the aim was to affirm that democracy could be adapted to all peoples and all cultures and that, like human rights, it had a universal dimension.

15. The United Nations was pursuing that democratic imperative by promoting political pluralism, encouraging popular consultation and participating in the training of citizens. Furthermore, it was currently establishing assistance mechanisms designed to strengthen the rule of law within countries which requested such assistance. The aim was to help the State acquire a legislative and statutory machinery that was respectful of public freedoms and the general principles of law. The aim was also to train an administration which was concerned about serving the public and the general interest. Finally, the aim was to establish a police force and a judicial machinery that would guarantee individual and property rights. Those general aims of the world Organization were fully in line with those being pursued in the Commission by other means. The convergence of those efforts should be interpreted, not only as the affirmation of common objectives, but also as support for the universal dimension of human rights and fundamental freedoms.

16. He realized that it was a lengthy and arduous undertaking. He was aware of the constraints and the burdens which, in that field more than any other, weighed on each institution. He was also profoundly concerned by the grave financial crisis of the Organization, which directly affected the

institutions, missions and programmes of the United Nations in the field of human rights. But all those involved had a bounden duty to pursue the endeavour.

17. Geneva had long been known as the city of human rights within the United Nations. The United Nations High Commissioner for Refugees, the United Nations Centre for Human Rights and other institutions contributed to that reputation. They had been joined, since 1994, by the United Nations High Commissioner for Human Rights, whose activities were making themselves felt on all continents.

18. But because of its specificity, the many years it had been involved in its work and the breadth of its activities, the Commission on Human Rights honoured the objectives it pursued and thereby honoured the United Nations as a whole. At the opening of its session, he wished therefore to thank the Commission for its work, to wish it success and to assure it that he shared its dedication to the human rights which gave the international community meaning and value.

The meeting was suspended at 11.35 a.m. and resumed at 11.45 a.m.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

19. The TEMPORARY CHAIRMAN invited nominations for the office of Chairman.

20. Mr. MEJIA SOLIS (Nicaragua), speaking on behalf of the Latin American and Caribbean Group, nominated Mr. Vergne Saboia (Brazil).

21. Mr. van WULFFTEN PALTHE (Netherlands), on behalf of the Western European and Others Group, Mr. AKRAM (Pakistan), on behalf of the Asian Group, Mr. KOLAROV (Bulgaria), on behalf of the Eastern European Group, and Mr. MEGHLAOUI (Algeria), on behalf of the African Group, supported the nomination.

22. Mr. Vergne Saboia (Brazil) was elected Chairman by acclamation.

23. Mr. Vergne Saboia (Brazil) took the Chair.

24. The CHAIRMAN invited nominations for the three offices of Vice-Chairman.

25. Mr. MEGHLAOUI (Algeria), speaking on behalf of the African Group, nominated Mr. Mba Allo (Gabon).

26. Mr. KOLAROV (Bulgaria), speaking on behalf of the Eastern European Group, nominated Mr. Vassylenko (Ukraine).

27. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the Western European and Others Group, nominated Mr. Legault (Canada).

28. Mr. Mba Allo (Gabon), Mr. Vassylenko (Ukraine), and Mr. Legault (Canada) were elected Vice-Chairmen by acclamation.

29. The CHAIRMAN invited nominations for the office of Rapporteur.

30. Mr. AKRAM (Pakistan) nominated Mr. Venu (India).

31. Mr. Venu (India) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRMAN

32. The CHAIRMAN, having expressed, on behalf of the Commission, his appreciation of the work done by the outgoing Chairman, Mr. Musa Bin Hitam of Malaysia, and by the other members of the Bureau of the fifty-first session, said that, in giving effect to its mandate under the Charter, the Commission had an impressive history of accomplishments in the field of the establishment and monitoring of human rights standards. Working during most of its existence in a particularly unfavourable political climate, the Commission had been able to complete the drafting of the instruments which, together with the Universal Declaration of Human Rights, formed the International Bill of Human Rights.

33. It had also undertaken to strengthen the legal basis and to develop principles and guidelines for the promotion and protection of human rights in many areas such as discrimination and the protection of minorities and for different categories of vulnerable people and had established ways in which to monitor standards and to deal with communications regarding gross violations of human rights.

34. It had also been mostly in the space provided by the Commission and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the international community had been able to enlarge the scope of participation of NGOs, which had assumed a significant role in the advancement of human rights.

35. The end of the cold war and the ensuing changes in the international political situation had encouraged public opinion and States to renew their confidence and their commitment to fulfilling the purposes and principles of the Charter and to more effectively ensuring the fruition of human rights standards contained in the various instruments, declarations and resolutions. That renewed commitment had made it possible for the World Conference on Human Rights to adopt by consensus the Vienna Declaration and Programme of Action, which reaffirmed the universality of human rights and strengthened the common will of the nations to work together to ensure the enjoyment of civil, cultural, economic, political and social rights. Notably, it had enhanced an integrated and cooperative approach to the promotion and protection of human rights, arrived at a consensus formulation of the right to development, and underlined the interdependence and mutually reinforcing nature of democracy, development and human rights.

36. Paradoxically, disturbing forces of fragmentation and conflict were continuing to prevent further progress in translating those rights and aspirations into reality, and millions of people throughout the world continued to be affected by massive denials of their most basic human rights. The post-cold-war era had, in effect, been marked by the occurrence of terribly tragic situations, of which genocide and ethnic cleansing were only the most notorious examples.

37. In the midst of that seemingly confusing world, the Commission must continue to preserve and enhance its relevance as the central decision-making and standard-setting body for human rights and as a forum where the commitment to foster human life and dignity should prevail over differences of perception. It must refuse to be an arena for political dispute and sterile confrontation, but rather be inspired by those human beings all over the world who, in great numbers, were denied their fundamental freedoms and human rights, were the victims of extreme poverty, marginalization, and hunger or of conflicts, torture and arbitrary execution, or who were discriminated against and oppressed. A further inspiration should be the common determination not to let violence and cowardly acts of terrorism prevail over peace, reconciliation and cooperation.

38. On a more practical level, the relevance of the Commission would also depend on its ability to make effective use of the time and resources put at its disposal. Among delegations there was a generalized perception of the need to adapt the work of the Commission so that it might become more coherent and focused and less repetitive and time-consuming. The efforts made by past chairmen of the Commission had not produced immediate results but they had been very useful in initiating an exercise, in identifying problems and in establishing the limits of what could be done.

39. He was personally convinced that the Commission needed to pursue that course in a realistic and not too ambitious way so as to ensure that at least some initial steps could be suggested for improving the Commission's methods of work. He was aware that any proposal must be preceded by careful consultations with all groups and interested delegations so as to achieve the necessary transparency and avoid any misunderstanding. He would be open to suggestions and would discuss the matter with the Bureau before making any specific proposals.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1996/1 and Corr.1)

40. The CHAIRMAN drew attention to the provisional agenda (E/CN.4/1996/1 and Corr.1) and invited any delegations that had comments to make regarding it to submit them to one of the members of the Bureau, which would consider all such comments at its first meeting.

The meeting rose at 12.15 p.m.